

KENTUCKY PUBLIC DEFENDER COLLEGE

WEEK THREE

CIRCUIT COURT TRAINING

Monday, August 29, 2011

1:00 p.m. – 1:20 p.m. Introduction to Circuit Court Training
- Glenn McClister

LEARNING OBJECTIVES:

- ☐ Overview the topics to be covered during the week and the schedule;
- ☐ Brainstorm important lessons learned so far

1:20 p.m. – 2:20 p.m. Introduction to Using OneNote
- Brad Holajter

LEARNING OBJECTIVES:

- ☐ Address the uses of OneNote inside and outside the office;
- ☐ Overview the basics of working with OneNote.

2:30 p.m. – 4:30 p.m. Client Relationships and Working with Post-Conviction
- Tim Arnold, Jeff Sherr

LEARNING OBJECTIVES:

- ☐ To learn the techniques of advanced interviewing by actually interviewing each other. One attorney will role play one of her clients and be interviewed by the other attorney using the techniques suggested. The two will then switch roles and have another interview. Attorneys will be coached as they conduct their interviews.

Tuesday, August 30, 2011

8:30 a.m – 12:00 p.m. Analyzing Cases and Kentucky Evidence Law
- David Niehaus

LEARNING OBJECTIVES:

- ☐ Become more efficient in the tactical use of the Kentucky Rules of Evidence and Evidence Manual;
- ☐ Learn to identify relevant evidentiary issues in a case problem;
- ☐ Learn which KRE applies to each issue;
- ☐ Anticipate likely objections from the prosecution;
- ☐ Identify what the prosecution is doing wrong in using the KRE;
- ☐ Explore the policy presumptions behind KRE and its relationship to the Constitution;
- ☐ Use KRE to structure theories and themes.

Lunch 12:00 p.m. – 1:00 p.m.

1:00 p.m. – 4:30 p.m. Kentucky Trial Law and Preserving the Record
- Damon Preston

LEARNING OBJECTIVES:

- ☐ Review aspects of Kentucky Trial Law using the Trial Law Notebook
- ☐ Learn specifics concerning the need for preserving a record and how to do it

Wednesday, August 31, 2011

8:30 a.m. – 10:00 a.m. Discovery in Circuit Court
- Jay Barrett

LEARNING OBJECTIVES:

- ☐ Understand what the defense is entitled to under the Rules of Criminal Procedure;
- ☐ Understand what the defense is entitled to under Kentucky and Federal caselaw;
- ☐ Discuss strategies to deal with “open file” discovery;
- ☐ Discuss techniques for uncovering exculpatory evidence;
- ☐ Discuss duties to provide reciprocal discovery

10:10 a.m. – 11:30 a.m. Litigating Probation and Parole Revocations
- Jay Barrett

LEARNING OBJECTIVES:

- ☐ Learn the law regarding revocations in order to spot litigation issues;
- ☐ Raise awareness of the need to appeal appropriate revocation decisions.

11:45 a.m. – 12:30 p.m. Working with Investigators and Doing Case Reviews
- Jay Barrett, Glenn McClister

LEARNING OBJECTIVES:

- ☐ To learn DPA Policy on the role of investigators;
- ☐ To deal with situations which might arise in working with an investigator;
- ☐ To understand the ethical duty to investigate cases;
- ☐ To raise awareness of all the things an investigator can do on a case;
- ☐ To familiarize participants with the Case Review form.

Lunch 12:30 p.m. – 1:30 p.m.

1:30 p.m. – 5:00 p.m. Mental Health Defenses and the Use of Experts
- Roger Gibbs, Dr. David Finke

LEARNING OBJECTIVES:

- ☐ Understand the mental health defenses available in Kentucky;
- ☐ Understand what to look for in a mental health expert and how to obtain one;
- ☐ Argue a motion for funds;
- ☐ Understand different tests of mental health and diagnoses;
- ☐ Discuss dealing with incompetent clients.

Thursday, September 1, 2011

8:30 a.m. - 10:00 a.m. Handling Civil Contempt Cases
- Jamie Jameson

LEARNING OBJECTIVES

- ☐ To review the law concerning appointment to civil contempt cases
- ☐ To review the law concerning civil contempt
- ☐ To identify the kinds of cases in which someone might face civil contempt
- ☐ To review the law concerning child support payments
- ☐ To review an appeal of a civil contempt order

10:15 a.m. – 11:30 a.m. Sentencing Law and Advocacy
- LaMer Kyle-Griffiths, Glenn McClister

LEARNING OBJECTIVES:

- ☐ To learn the role of leniency in the new sentencing statute;
- ☐ To learn provisions of HB 463 effecting sentencing;
- ☐ To discuss the continued use of your theory in the sentencing phase of the trial;
- ☐ To explain KRS 532.055 and how it functions in a trial;
- ☐ To give an overview of the developing caselaw on Truth-in-Sentencing;
- ☐ To explore constitutional challenges remaining;
- ☐ To give practice tips on what can be done to persuade jurors during the second phase of a trial;
- ☐ To examine sample instructions;
- ☐ To challenge Parole Eligibility guidelines;
- ☐ Use of Alternative Sentencing in Pretrial Release
- ☐ Use of Alternative Sentencing in Negotiation
- ☐ Use in Probation arguments
- ☐ To provide an overview of the PFO and other subsequent offender statutes and caselaw;

- ☐ To provide practice tips on how to defend these cases; particular emphasis will be given on how to challenge the use of prior offenses, particularly after recent caselaw;

Lunch 11:30 a.m. – 12:30 p.m.

12:30 p.m. – 1:45 p.m. Sentencing (continued)

2:00 p.m. – 3:00 p.m. Westlaw Training

- Susan Reale, Account Representative, ThomsonReuters

LEARNING OBJECTIVES

- ☐ Retrieving documents searching by citation or case name
- ☐ Searching with Natural Language and Terms and Connectors
- ☐ Understanding searches by KeyCite
- ☐ Research trails and MyWestlaw
- ☐ Database selection to narrow searches
- ☐ Use additional Westlaw resources provided to Kentucky public defenders

3:00 p.m. – 4:30 p.m. Alternative Sentencing Hearing Video

Friday, September 2, 2011

9:00 a.m. – noon Search, Seizure, and Suppression
- Jamesa Drake

LEARNING OBJECTIVES:

- ☐ Review the law of search and seizure, arrest and confessions;
- ☐ Analyze specific case problems and apply the law to the facts;
- ☐ Discuss planning for a suppression hearing;
- ☐ Practice anticipating prosecution tactics in suppression hearings;
- ☐ Watch a video of a successful suppression hearing.

Lunch 12:30 p.m. – 1:30 p.m.

1:30 – 2:30 Complete Search and Seizure

2:45 p.m. – 3:30 p.m. Wrap Up with the Public Advocate